

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Shore Rd., 200 ft. W * ZONING COMMISSIONER
of c/l Fourth Street *
1414 Shore Road * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District * Case No. 94-110-A
Mitcherling & Mitcherling, DDS *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 1414 Shore Road in the Holtzneck's Farm Subdivision of Baltimore County. The Petition is filed by the subject property owners, Mitcherling and Mitcherling, DDS, P.A. Relief is requested from Section 1802.3.C.1, of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 4 ft. and 5.5 ft. on both sides, in lieu of the permitted 10 ft. and a minimum lot width at the building line of 39 ft. +/- in lieu of the required 55 ft. The relief requested is more particularly shown on Petitioners' Exhibit No. 2, the amended site plan which was submitted at the hearing.

Appearing at the public hearing held for this case was John Mitcherling, property owner. Also appearing was John T. Brown, Jr., the builder of the proposed improvements. The Petitioner was represented by John B. Gontrum, Esquire. Appearing as an interested person was Mabel Woytowitz. She resides immediately next door at 1412 Shore Road. There were no Protestants present.

Testimony and evidence presented was that the subject property is located in an older subdivision. The record plat for that subdivision, Petitioner's Exhibit No. 1, shows that this is a waterfront property on

Middle River. The rear of the lot abuts Shore Road. The property is an irregularly shaped parcel which is roughly 196 ft. deep. It varies in width from its narrowest point at Shore Road (20 ft.) to its widest point on the water (50 ft.). As the photographs submitted at the hearing indicate, the site was previously improved with two buildings. One is a block shed located near Shore Road and adjacent to the property line shared with the Belsky property. This shed remains in place at the present time. The other structure formerly on site was a small bungalow. However, this building has recently been razed. Photographs submitted show that the building was dilapidated and in need of significant repair. Rather than repair the building, the property owners have decided to replace same with a single family dwelling. The proposed dwelling will be located on the same portion of the lot where the bungalow existed. In fact, the proposed dwelling envelope overlaps the bungalow's building envelope. The Petitioner indicated that construction of the proposed dwelling was appropriate so as to use the property in a manner consistent with other lots in this community. That is, the bungalow was badly in need of repair, and replacement of same with a larger house is more in keeping with other homes in the area. The Petitioner advises that he, his son and family will use the house as a beach house. Moreover, the proposed house will be aligned so as to be compatible with the improvements on the adjoining lots. That is, the side walls of the dwelling will be roughly parallel with the side walls of the Belsky and Woytowitz dwellings.

The Petitioner avers that the variances are necessary due to site constraints imposed by the usual shape of the property. As to the width of the property, same is not 55 ft. at any point and thus compliance with the 55 ft. requirement is impossible. As noted above, the property tapers

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from front to rear. Thus, relief must be granted from this variance in order for the property to be utilized for a permitted purpose. As to the side yard variances, they are necessary to construct a house of sufficient size so as to be practical and viable. That is, the lot is only 39 ft. wide at the building line. Strict adherence to the 10 ft. side yard setbacks would result in a house less than 19 ft. wide. Moreover, the Petitioner described in detail its efforts to locate the house or orient same elsewhere on the lot. Indeed, it appears that the Petitioner has exhausted other alternatives which would allow for a lesser variance. Moreover, the proposed house is consistent with the placement of the existing bungalow and maintains similar setbacks.

For her part, Mrs. Woytowitz indicated that she does not object to the proposed construction. I detected a certain hesitance on her part to endorse the proposal enthusiastically. Clearly, these are small lots and any construction on one lot will effect the neighboring parcel. Nonetheless, it appears that the Petitioner's plans are well thought out and will impose a minimal effect on the surrounding locale.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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3) whether relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area Regulations found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management must submit recommendations which describe what steps the Petitioner must take to ensure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from struc-

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tures or conveyances or that have run off from surrounding lands;

- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations have not, as yet, been submitted, as noted in the Zoning Plans Advisory Committee comments from the Department of Environmental Protection and Resource Management (D.E.P.R.M.) dated October 1, 1993. (copy attached hereto). When D.E.P.R.M.'s final comments are completed, they shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of October, 1993 that a variance from Section 1802.3.C.1, of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 4 ft. and 5.5 ft. on both sides, in lieu of the permitted 10 ft., and a minimum lot width at the building line of 39 ft. +/- in lieu of the required 55 ft., all in accordance with Petitioners' Exhibit No. 2, be and is hereby GRANTED, subject, however, to the follow-

ing restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

LES:mmn

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 10/29/93
By M. J. J. J.

-5-

-6-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 28, 1993

John B. Gontrum, Esquire
Romacka, Gontrum and McLaughlin, P.A.
814 Eastern Blvd.
Essex, Maryland 21221

RE: Case No. 94-110-A
Petition for Zoning Variance
Mitcherling and Mitcherling, DDS, P.A.
Petitioners

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
att: Ms. Mabel Woytowitz
1412 Shore Road
Baltimore, Maryland 21221

cc: John J. Mitcherling, DDS.
1900 E. Northern Parkway
Baltimore, Maryland 21219



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1414 Shore Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1802.3.C.1, to permit side yard setbacks of 4' and 5.5' in lieu of the permitted 10' and a minimum lot width at the building line of 39' in lieu of the required 55'.

of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

A new house is to be constructed over old house footprint and extended back toward road from water in keeping with neighborhood character. Failure to grant variance requested would result in undersized house incompatible with area.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and am to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Continued Petitioner/Owner

Name or Firm Name _____
Signature _____
Address _____
City _____ State _____ Zip _____
Attorney for Petitioner _____
Name or Firm Name _____
Signature _____
Address _____
City _____ State _____ Zip _____

John B. Gontrum, Esq.
ROMACKA, GONTRUM & MCLAUGHLIN, P.A.
814 Eastern Blvd.
Essex, Maryland 21221
(410) 886-8274

NO REVIEW
9-9-93
WCR

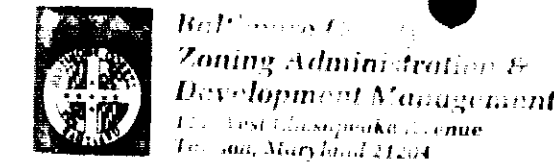
94-110-A
ZONING DESCRIPTION
MITCHERLING PROPERTY

1414 Shore Road
Election District 15th
Municipal District 5th

Beginning at a point on the southwest side of Shore Road 30 feet wide at a distance of 200 feet east of the center line of Fourth Street which is 30 feet wide and running the following courses and distances south 34° 21' 30" west 71.71 feet, south 61° 54' west 15.06 feet south 38° west 12.75 feet south 42° 50' west 35 feet south 47° 40' west 105.93 feet to the shore of Dark Head Creek and then continuing along the shore of Dark Head Creek north 44° 15' west 50 feet thence along the shore of Dark Head Creek and running north 48° 54' east 196 feet, north 52° 42' 15" east 15.02 feet north 32° 15' east 39 feet to the south side of Shore Road thence running along and binding along the south side of Shore Road 20 feet to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 10/6/93
Posted for: Variance
Petitioner: Mitcherling & Mitcherling, D.D.S., P.A.
Location of property: 1414 Shore Rd., Supt. 200 of Court 3E
Location of Signs: Posting - roadway - ex. property to be zoned
Remarks: _____
Posted by: [Signature] Date of return: 10/8/93
Number of Signs: 1



receipt

Date: 9/7/93
#010--VARIANCE \$50.00
#030--SIGN POSTING \$35.00
TOTAL \$85.00

Legal Owners: Mitcherling & Mitcherling, D.D.S., & P.A.
1414 Shore Road
15th Election District
Attorney: John B. Contrum

PLEASE MAKE CHECKS PAYABLE TO: BALTIMORE COUNTY
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND LICENSING
800 PATTERSON RD. 2ND FLOOR
TOWSON, MD 21204

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/23, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/23, 1993

THE JEFFERSONIAN,

A. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Ordinance, hereby gives notice that a public hearing on the property described herein will be held at the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 111, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 94-110-A (Item 111)
1414 Shore Road
Supt. 200 of Court 3E
15th Election District
in Conformance with the Zoning Ordinance, Petitioner: Mitcherling & Mitcherling, D.D.S., P.A.
HEARING: TUESDAY, OCTOBER 26, 1993 at 9:00 a.m. in Room 111, Old Courthouse.

Variance to permit side yard setbacks of 4 feet and 5.5 feet in lieu of the permitted 10 feet and a minimum lot width at the building line of 30 ft. more or less in lieu of the required 50 feet.

LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are held open to the public. (2) For information concerning the file and/or hearing, please call 887-3353.

9/25 September 23.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 118518

DATE: 10-8-93 ACCOUNT: R001-6150
AMOUNT: \$ 30.00

RECEIVED: Kimberly A. Contrum
FROM: Revision from 94-110-A
FOR: Mitcherling

VALIDATION OR SIGNATURE OF CASHIER
DATE: 10/8/93

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 15, 1993

John B. Contrum, Esquire
Romada, Contrum & McLaughlin, P.A.
814 Eastern Boulevard
Essex, Maryland 21221

RE: Case No. 94-110-A, Item No. 111
Petitioner: Mitcherling & Mitcherling, D.D.S., P.A.
Petition for Variance

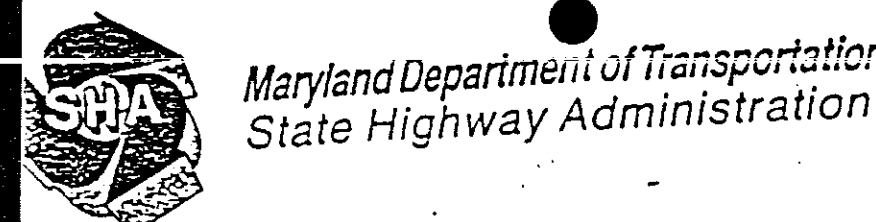
Dear Mr. Contrum:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 7, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



O. James Lighthizer
Secretary
Hai Kassaf
Administrator

Ms. CHARLOTTE MINTON
Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 94-110 (WCR)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
887-7555 Baltimore Metro 1-888-0451 D.C. Metro 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

October 1, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: J. Lawrence Pilsen
Development Coordinator, DEPRM
SUBJECT: Zoning Item #111 - Mitcherling Property
1414 Shore Road
Zoning Advisory Committee Meeting of September 20, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:sd
MITCHERL/DEPRM/TXTSBP

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

SEPTEMBER 28, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA - Formal or Informal Response Due September 27, 1993

RE: Property Owner: William Lee Gaines and Emma V. Gaines
Location: #1610 Ruxton Road
Item No.: #109 (RT)
No Comments.

RE: Property Owner: Alice Trent
Location: #9 Compass Road
Item No.: #110 (RT)
No Comments.

RE: Property Owner: Mitcherling and Mitcherling, D.D.S., P.A.
Location: #1414 Shore Road
Item No.: #111 (WCR)
No Comments.

RE: Property Owner: Park School
Location: Park School
Item No.: #112 (WCR)
1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 Edition prior to occupancy.

RE: Property Owner: Stanley C. Souranis and Annette N. Souranis
Location: #1405 Mt. Airy Road
Item No.: #114 (JLL)
No Comments.

RE: Property Owner: Domenick William Filletti and Mary Elizabeth Filletti
Location: #7815 Seaside Road
Item No.: #115 (RT)
No Comments.

RE: Property Owner: Frederick J. Burgesen and Michelle A. Burgesen

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 24, 1993
Zoning Administration and Development Management
FROM: Robert W. Bowling, Senior Engineer
Development Plan Review Section
RE: Zoning Advisory Committee Meeting
of September 23, 1993
Item #111

The Development Plan Review Section reviewed the subject zoning item. According to the proposed plan for this property, a 10-foot right-of-way exists between the north property line and the north lot line. The approximately 40-foot distance between the north lot line and the north property line is shown on the attached drawing.

SWB/

Encl.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

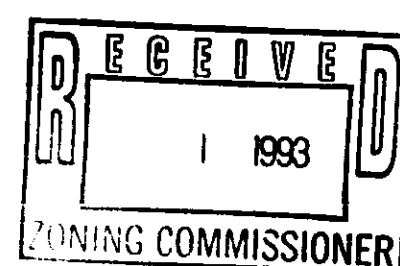
October 27, 1993
TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item #111 - Mitcherling Property - Revised
1414 Shore Road
Zoning Advisory Committee Meeting of October 18, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:KK:sp

MITCHERL/DEPRM/TXTSBB



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management
FROM: J. James Dieter
SUBJECT: Petition for Zoning Variance - Item 111
Mitcherling Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1414 Shore Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Dr. Mitcherling, D.D.S., P.A.

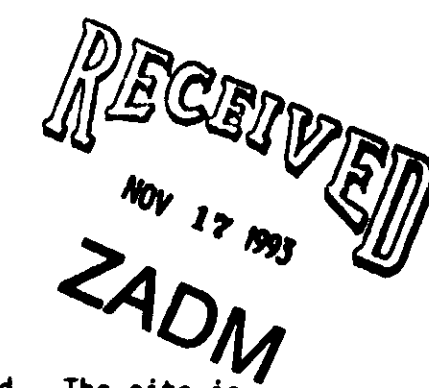
APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to permit side yard setbacks of 4' and 5.5' in lieu of the permitted 10' and a minimum lot width at the building line of 39' in lieu of the required 55'.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.02>.



Mr. Arnold E. Jablon
November 12, 1993
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

2. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Policy: "Redevelopment - if less than a 100 foot buffer exists, the buffer is established from the limit of existing permitted disturbance to the shoreline." <Baltimore County Department of Environmental Protection and Resource Management Policy Manual>.

Finding: This property is adjacent to the tidal waters of Middle River. The old house footprint is approximately 75 feet from mean high water allowing a buffer of approximately 75 feet to be established. No clearing, grading, or construction shall be permitted in the buffer.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 26-543(e)(1)>.

Finding: The current impervious surface equals 216 square feet or .02% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The amount of impervious areas shall not exceed 2,411 square feet or 25% of the lot during redevelopment and is in compliance with the above regulation.

4. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Mr. Arnold E. Jablon
November 12, 1993
Page 3

Finding: Stormwater runoff shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration. If physically feasible given existing site conditions, rooftop runoff shall be directed through downspouts and into a seepage pit or drywell, to encourage maximum infiltration (see attached information). Otherwise, runoff shall be directed across the lawn. These measures will ensure that the requirements of this regulation are met.

5. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or
2 gallon container size

Tree list: 1 item - ball and burlap
1 - 1.5 inch caliper

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:KDK:tmm

Enclosure

cc: Mitcherling and Mitcherling, D.D.S., P.A.

SHORE/DEPRM/MQBCA

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



September 22, 1993

(410) 887-3353

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Boulevard
Essex, MD 21221

RE: Preliminary Petition Review (Item #111)
Legal Owner: Mitcherling & Mitcherling
1414 Shore Road
15th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$50.00 revision fee.

Enclosed please find a copy of the site plan that was submitted, as well as the checklist for variance site plans. In order to save review time, the comments are found on the checklist as well as on the site plan that was submitted. Because of the lack of information on the proposal, the zoning office cannot guarantee that all issues were addressed.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Catherine M. Milton
Planner I

cc: Zoning Commissioner

Enclosures



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BAUTO. CO.
Item No: 44-110-A
Case No. 6 44-110-A
7-10-11

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Policy Service for Impaired Hearing or Speech
1-800-735-3235 Baltimore Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21208-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21208

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410) 887-3353
FAX: (410) 887-3353

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, ESQ.

ELIZABETH A. VANNI

September 2, 1993

*ALSO ADMITTED BY D.C.

Zoning Administration and
Development Management Office
County Office Bldg.
111 W. Chesapeake Ave.
Towson, Md 21204

Re: 1414 Shore Road
Petition for Variance
RGM File No.: 93.3021

Gentlemen:

We are this date filing a Petition for Variance concerning the referenced property.

Please expedite a hearing date as soon as possible. We would appreciate a hearing date before the end of September, 1993.

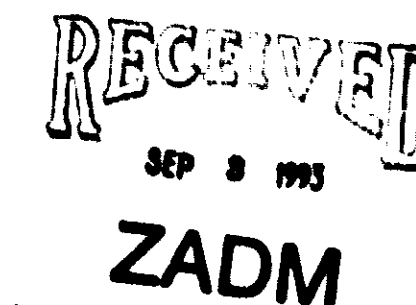
Please do not hesitate to contact me if you have any questions. Thank you for consideration in this matter.

Very truly yours,

John B. Gontrum

JBG/vjs

cc: Dr. John J. Mitcherling



FACSIMILE TRANSMITTAL COVER SHEET

Time:

SHEET

FROM: Florida Department of Corrections

EGAM FILE: Investigation File 28-2001

ATTENTION: To be included in letter to Mr. Wilson

COMMENTS: 100% good
in the condition today

NOTE: IF YOU DO NOT RECEIVE ENTIRE TRANSMISSION, OR IF TRANSMISSION IS ILLEGIBLE, PLEASE CALL OR OFFICE AT (410) 686-2274

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CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE PERSON(S) NAMED
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PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS

John T. Braum Jr. 1900 E. Holden Pl. 2/237

John T. Braum Jr. 2121 Cack Square Rd. 2122

Printed with Soybean Ink
on Recycled Paper

01 THRU 09 INDICATES AN 'APPROVAL' ## 10 THRU 99 INDICATES A 'DISAPPROVAL'
 ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT
 CLEAR - MENU

DATE: 02/15/87 AS1001B

DATE: 09/15/93 STANDARD ASSESSMENT INQUIRY (1) AS1001B
TIME: 15:10:14
PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL FM DATE
12 2-1 00-00 A 00 00/00/93

Plat Requirements

See Highlighted sheet.

12 copies required. The plat shall be legible and clear enough for micro-filming and in no case can it be larger than 24" x 36". Plat must be printed on folded to a neat 8-1/2" x 11" size. It shall contain all the information as set forth on the checklist as follows:

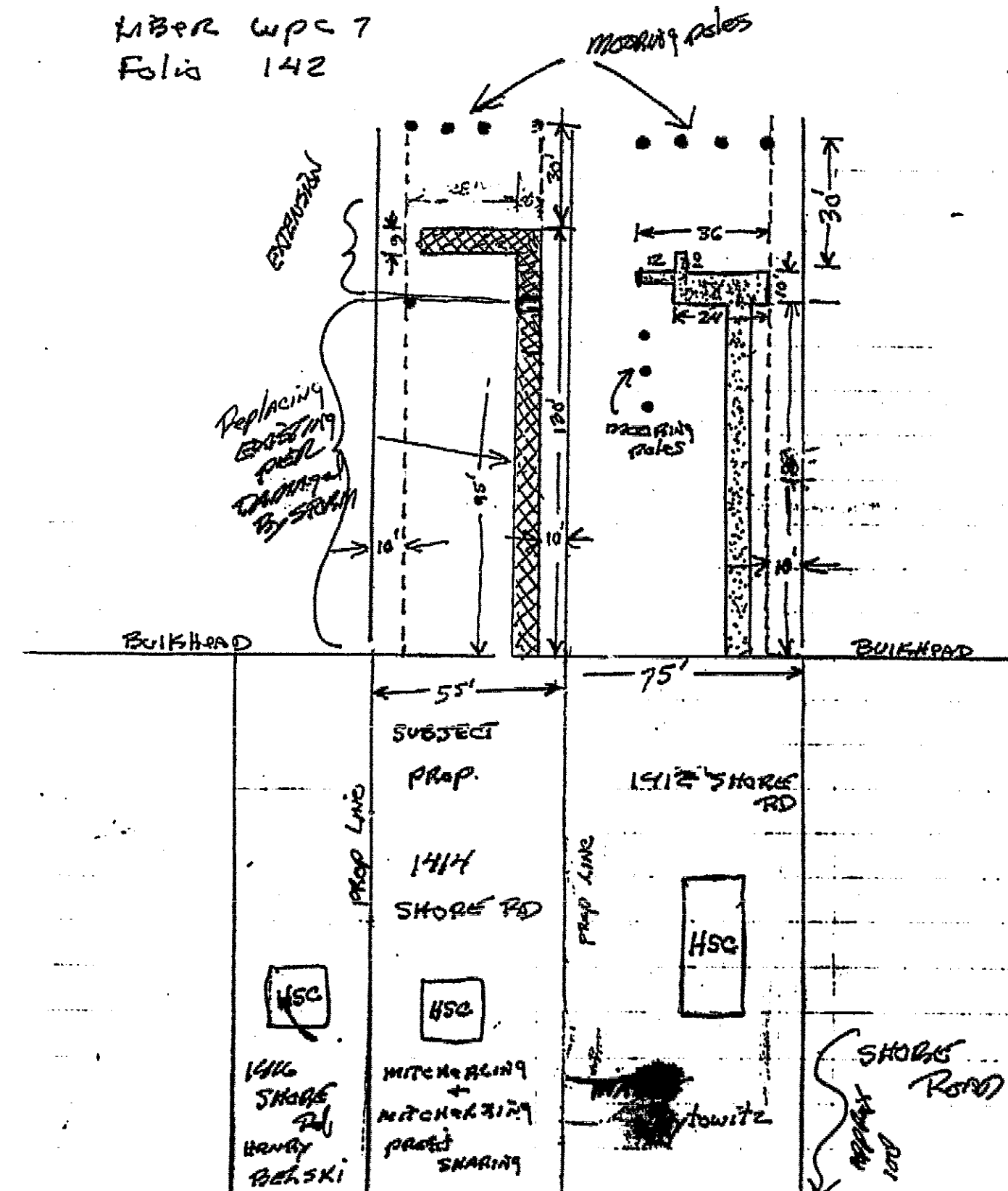
1. NORTH ARROW, ELECTION AND COUNCILMANIC DISTRICT, TITLE PLAN "PLAN TO ACCOMPANY ... HEARING". THE OWNER'S NAME, PROPERTY ADDRESS AND DATE.
2. SCALE OF DRAWING: 1"=20' or 1"=50'. If acreage exceeds 40 acres, use 1"=100' scale.
3. OUTLINE OF PROPERTY: Indicated by a heavy bold line. Include lot lines, distances and area of the parcel(s) by square feet and acreage. (To figure acreage, divide square feet by 43,560.)
4. VICINITY MAP: A vicinity map must be included on all plats with the scale of 1"=1,000' WITH SITE CLEARLY AND ACCURATELY DEPICTED. DO NOT PUT THIS MAP ON A SEPARATE SHEET; IT MUST BE ON THE SAME SHEET AS THE PLAT.
5. PRIOR ZONING HEARINGS: The case number(s), date of the Order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat for any prior zoning hearings.
6. OWNERSHIP: Of all adjacent parcel(s) of property including owner's name(s), lot numbers, subdivision names, tax account numbers, and/or deed references.
7. LOCATION: Street address and name of adjoining street(s), beginning point of description and distance from property corner to the nearest intersecting public street centerline. (Check record plat, State tax maps, or utility maps in Room 206, County Office Building.) This beginning point and distance should also be the first statement in the zoning description on Page 5.
8. STREETS, WIDENING, R/W, EASEMENTS: Include all existing public boundary streets with the existing right-of-way and paving width. Include any existing or proposed easements or right-of-ways and indicate if it is public or private.
9. BUILDINGS: Use, dimensions, height and location of all existing buildings and easements on property with building-to-property line and building-to-building setbacks shown for each structure. Also, the front orientation of any dwellings and the use, dimension and location of all proposed buildings or additions and the proposed use if the use is to be changed. The general use, building and lot dimensions and all facing property line setbacks of buildings on adjoining lots.
10. STREET SETBACKS: If a new dwelling is proposed or the proposed addition or improvement is located on the street side (front) and if either adjacent side is unimproved and your property is zoned D.R.-2, D.R.-3.5 or D.R.-5.5, then you must show on your site plan the front setback of all dwellings on your side of the street within a distance of 200 feet from the joint side property lines. (Not enough info on plat to determine.)
11. UTILITIES: Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations and setbacks must be indicated. (Public utilities reference - Room 206, County Office Building.)
12. FEATURES: Location of streams, storm water management systems drainage, and fire systems on or within 50 feet of the property.
13. B.O.C.A.: Buildings must meet the building code, as well as the fire code requirements, with regard to type of construction, windows, etc.
14. SPECIAL REQUIREMENTS: For Special Hearings on 2 apartment dwellings, floor plans detailing each floor with room square footages and uses are required.

All of the above information MUST be complete and accurate or the petition CANNOT be accepted for filing and another appointment will have to be made!

6

TAX # 152245 0000
15th ELECTRIC DIST.
LIBER WPC 7
Folio 142

SCALE 1"=4'



94-110-A

US to be ADJOINING
OWNERSHIP

TORO = 4' ELEVATION
FLOOD ZONE A-10

94-110-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1414 Shore Road
Subdivision name: 15th Electric Dist. 2nd section
Plat book: 7, folio 142, lot 2, section 2
OWNER: Mitchell & Mitchell, D.S. RA.

Two Separate TAX IDS
Where ARE THE TWO SEPARATE LOTS?

Angle of R. incorrect leads to incorrect setbacks
Show ALL IMPROVEMENTS
Neighbors Lot & Improvements
What is this? Is it to be paved? What is this? Number?

The proposed Dwelling Does NOT HAVE Square Corners?

What is this? Number?

Is this the front? Why is 39' I measure 50'?

There is a Variance Request of 39' I measure 50'.

North arrow
date: 7/1/82
prepared by: [signature]

Scale of Drawing: 1"=

LOCATION INFORMATION
Election District: 15
Councilmanic District: 5
1"=200' scale map:
Zoning: D.R. 5.5
Lot size: 2,221 16,742 1/2
acreage square feet
BSWB: ☐ ☐
WATER: ☐ ☐
Chesapeake Bay Critical Area: ☐ ☐
Prior Zoning Hearings: [signature]

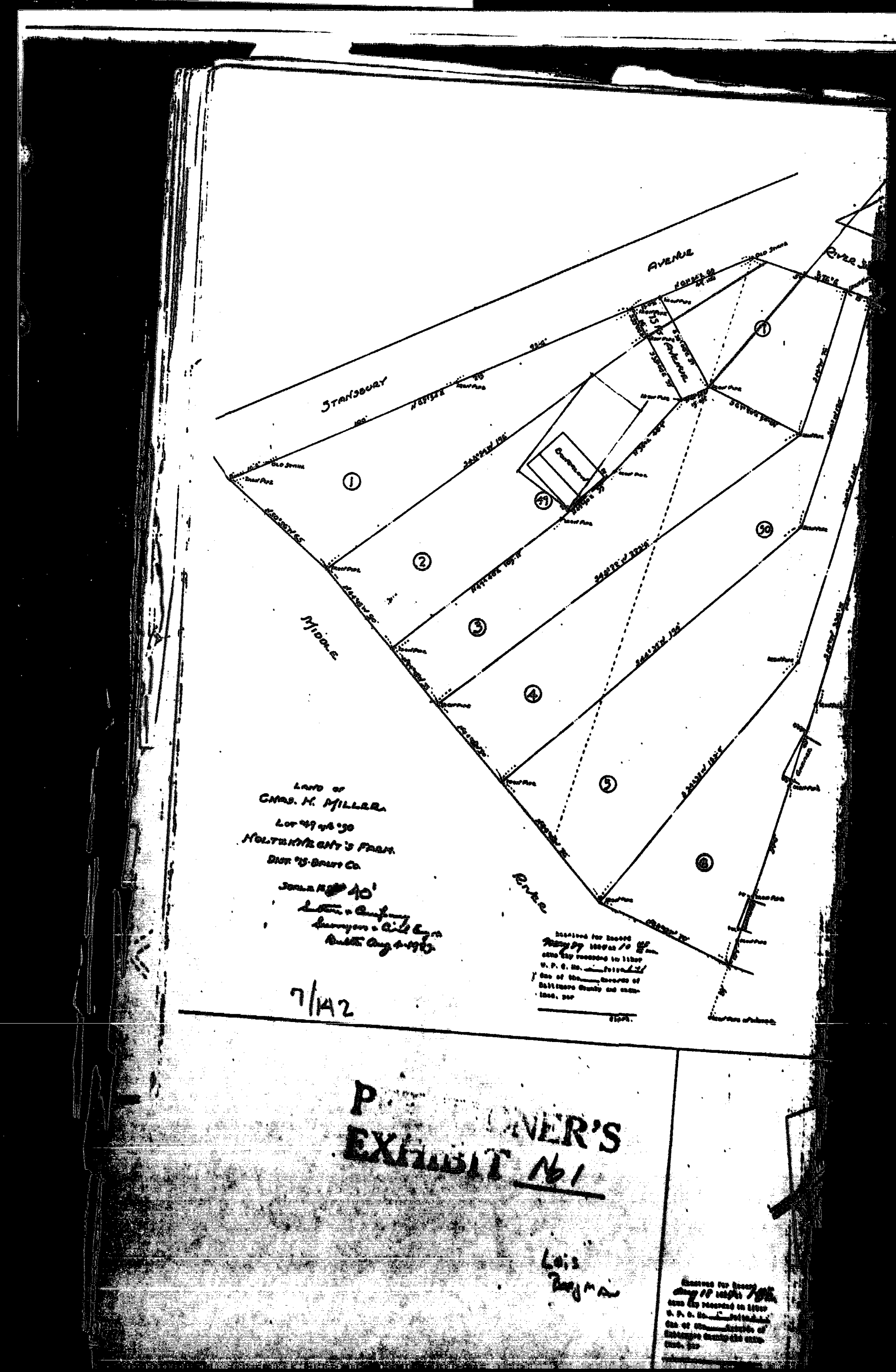
Zoning Office USE ONLY!
reviewed by: [signature] ITEM #: CASE#:

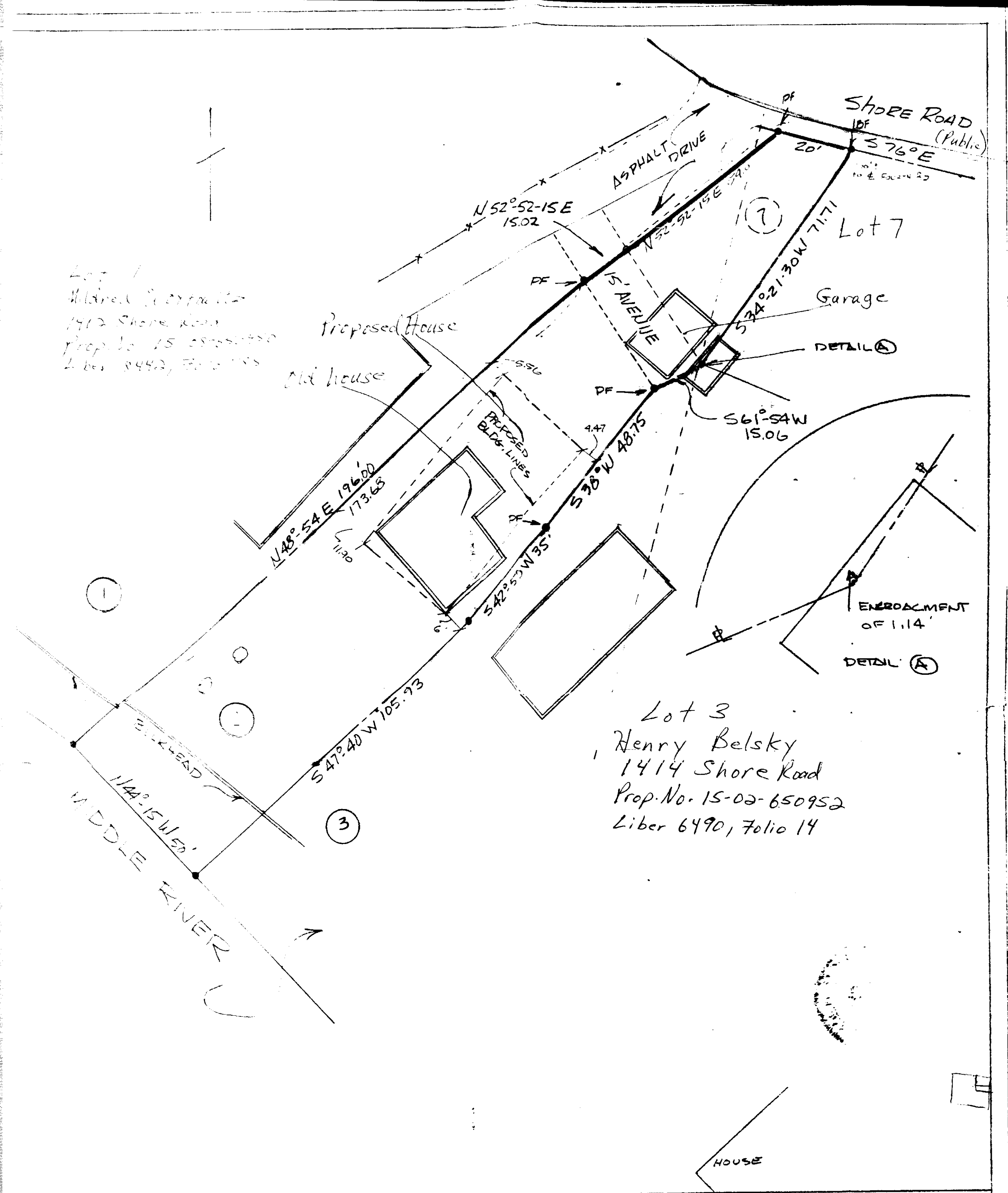
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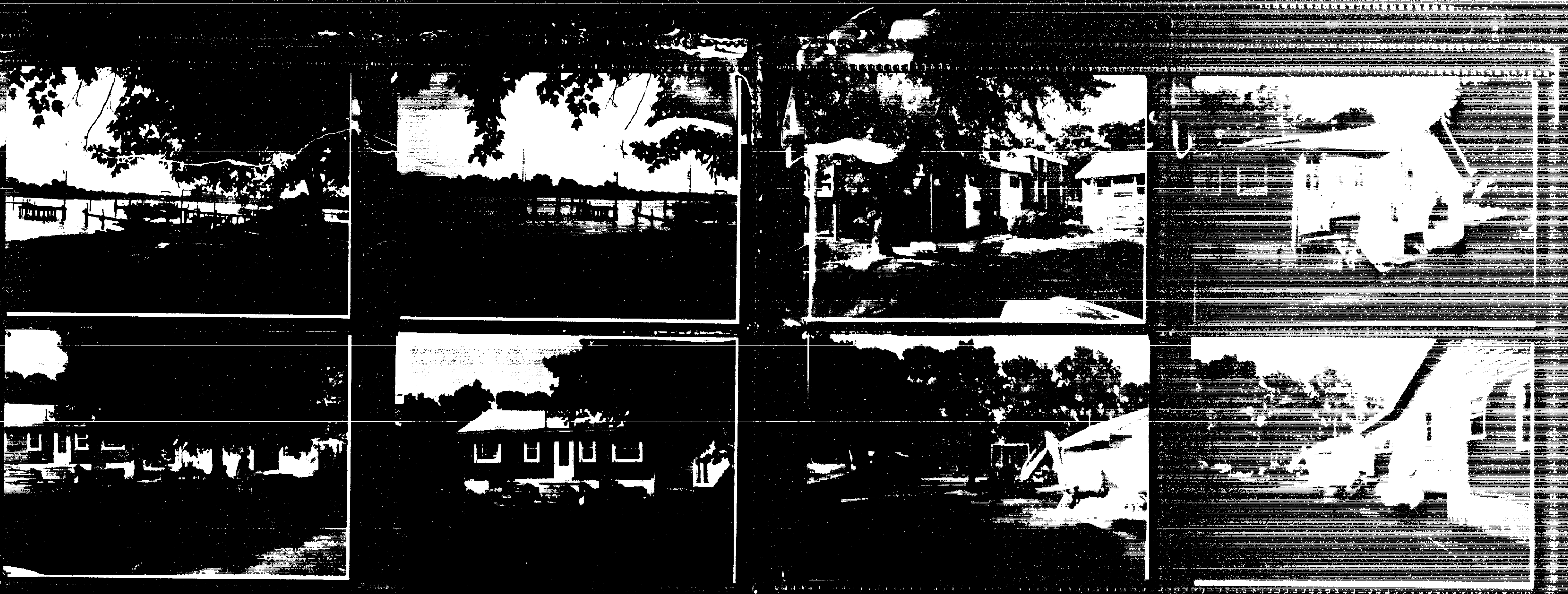
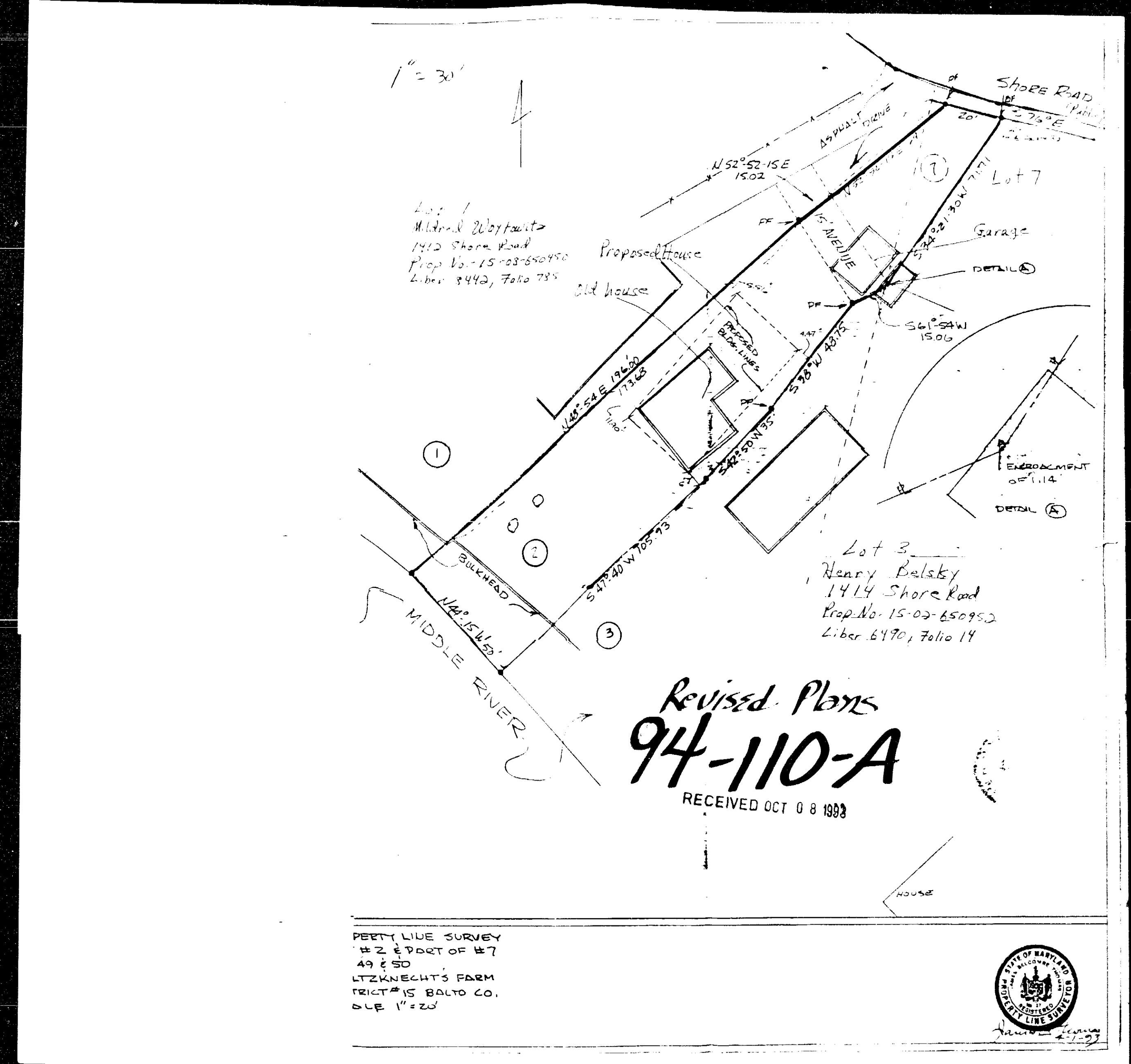
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reviewed by: [signature] ITEM #: CASE#:

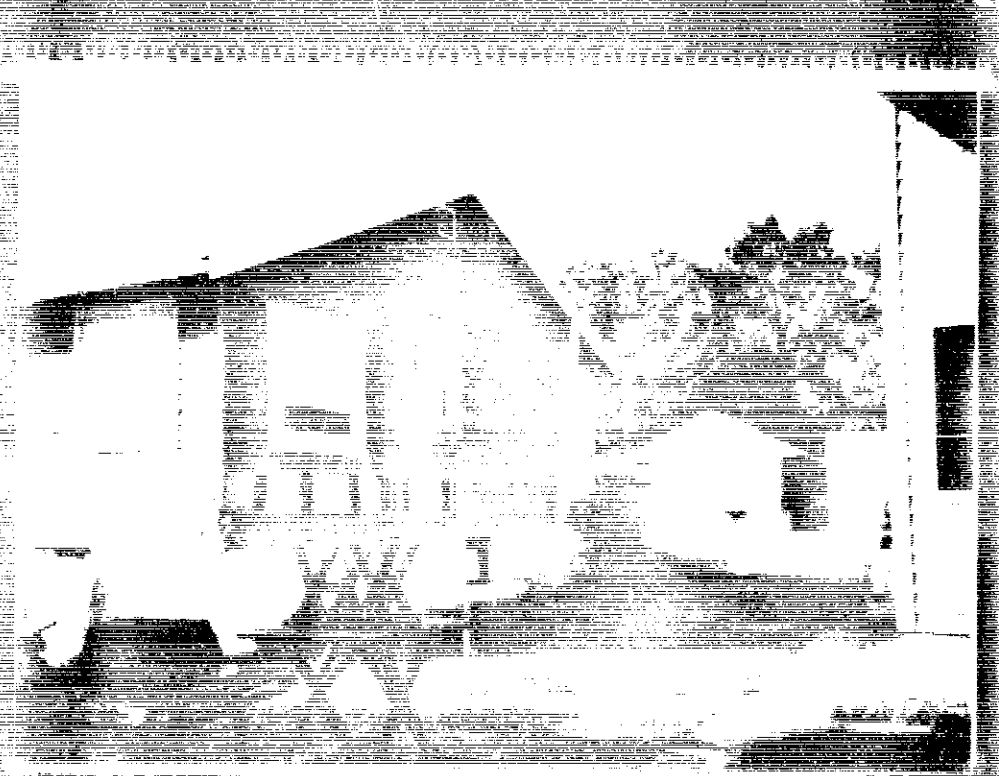
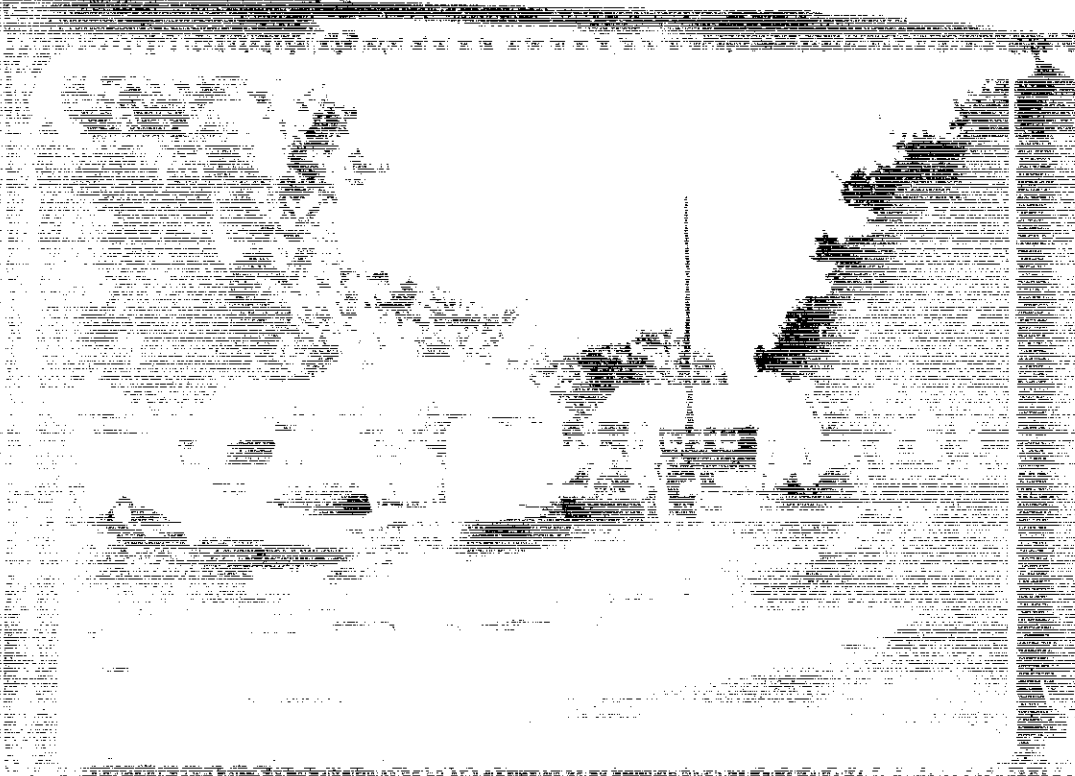
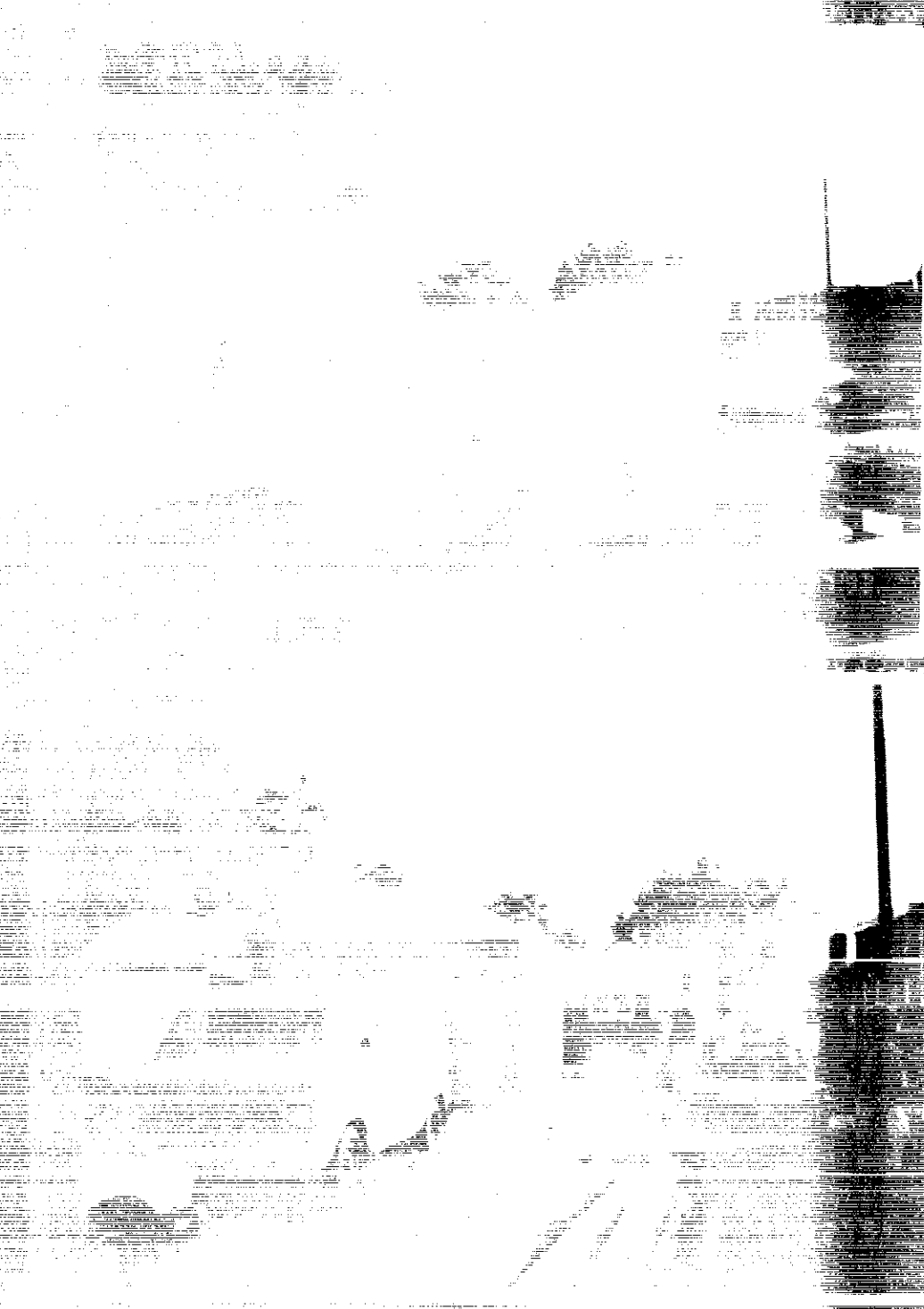




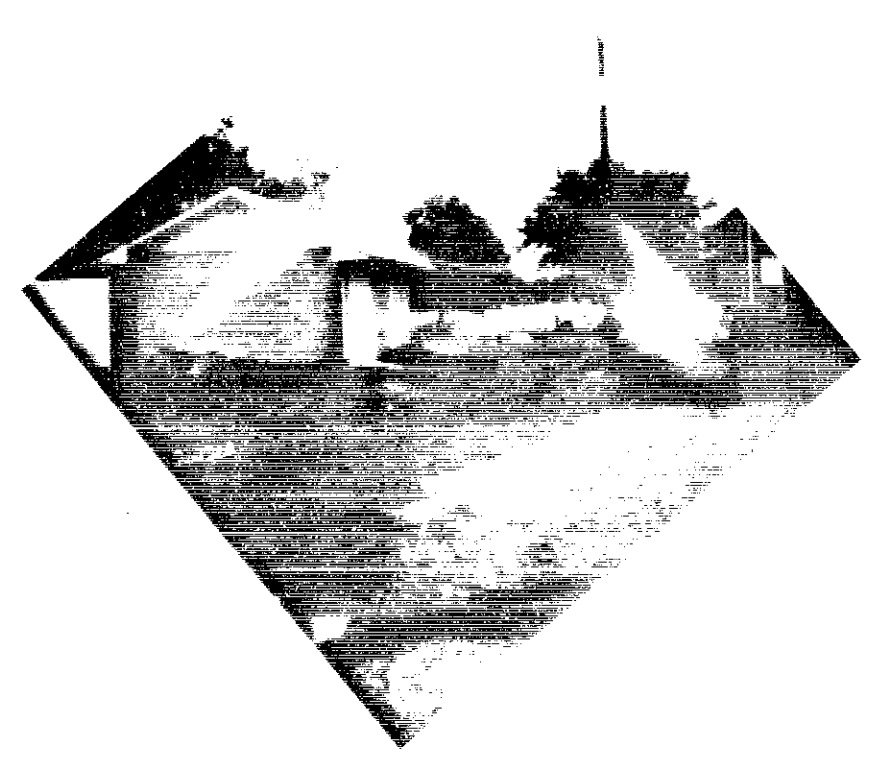
PEET, LUE SURVEY
 #2 & PART OF #7
 49 & 50
 TZKNECHT'S FARM
 TRACT #15 BALTO CO.
 SLE 1"=20'

PETITIONER'S
 EXHIBIT No. 2



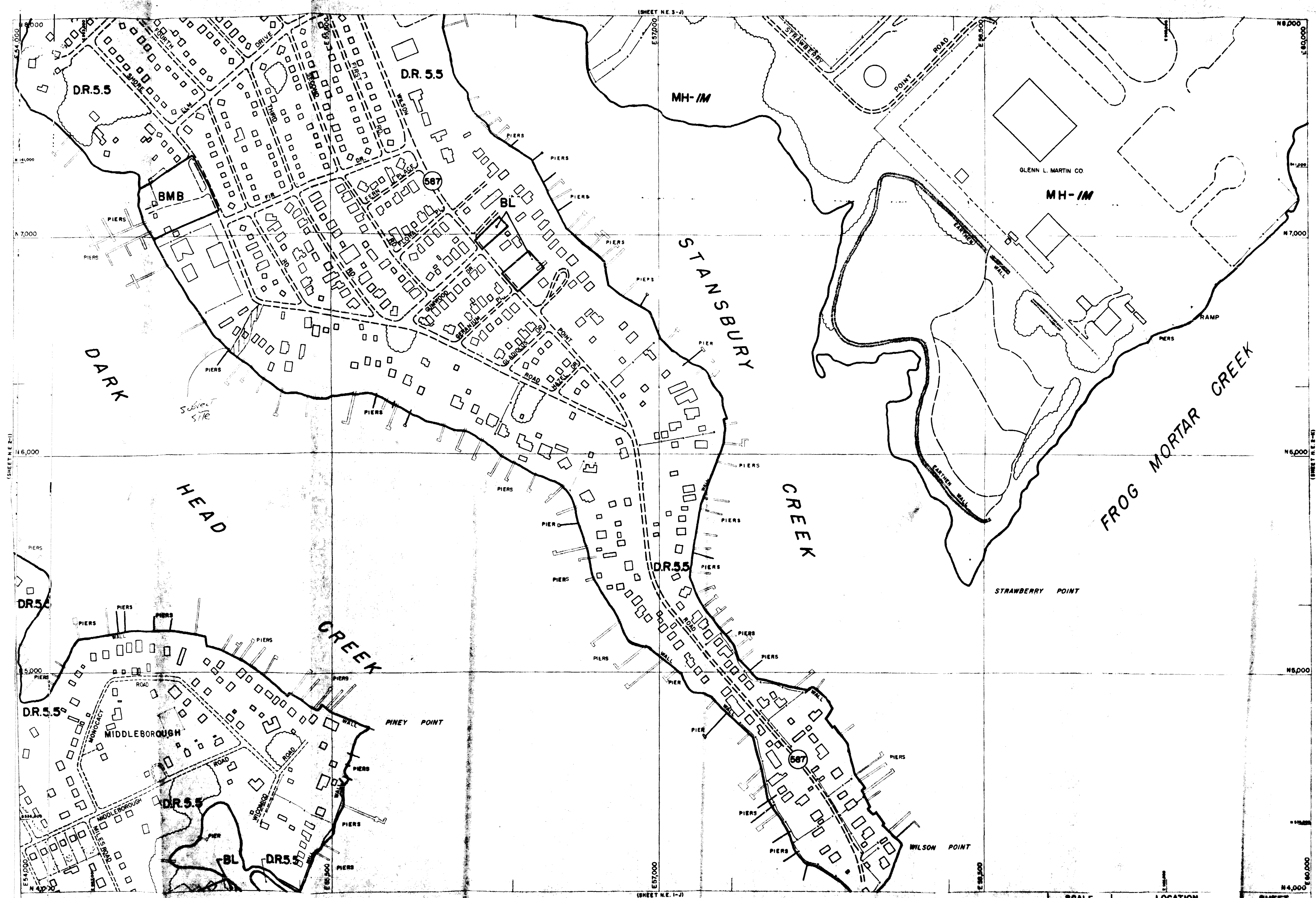


94-110-A



94-110-A





1-SE 2-SW

94-110-A

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHOD
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
100-01, 100-02, 100-03, 100-04, 100-05, 100-06, 100-07, 100-08, 100-09, 100-10, 100-11, 100-12, 100-13, 100-14, 100-15, 100-16, 100-17, 100-18, 100-19, 100-20, 100-21, 100-22, 100-23, 100-24, 100-25, 100-26, 100-27, 100-28, 100-29, 100-30, 100-31, 100-32, 100-33, 100-34, 100-35, 100-36, 100-37, 100-38, 100-39, 100-40, 100-41, 100-42, 100-43, 100-44, 100-45, 100-46, 100-47, 100-48, 100-49, 100-50, 100-51, 100-52, 100-53, 100-54, 100-55, 100-56, 100-57, 100-58, 100-59, 100-60, 100-61, 100-62, 100-63, 100-64, 100-65, 100-66, 100-67, 100-68, 100-69, 100-70, 100-71, 100-72, 100-73, 100-74, 100-75, 100-76, 100-77, 100-78, 100-79, 100-80, 100-81, 100-82, 100-83, 100-84, 100-85, 100-86, 100-87, 100-88, 100-89, 100-90, 100-91, 100-92, 100-93, 100-94, 100-95, 100-96, 100-97, 100-98, 100-99, 100-100

William A. Harwood
Chairman, County Council

SCALE
1" = 200'
DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
WILSON POINT

SHEET
NE
2-J